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Drawing the Line on Gerrymandering

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An 1812 political cartoon depicting the original "gerrymander," referring to Massachusetts Governor Elbridge Gerry and his efforts to create a salamander-like district to shore up power. Image via Wikimedia Commons, originally published in the Boston Gazette.

When the Voting Rights Act was passed in 1965, President Lyndon B.

Johnson remarked that "the vote is the most powerful instrument ever devised by man for breaking down injustice." Yet, once a decade, whichever political party controls the Indiana General Assembly has the authority to use census data to choose their constituents through redistricting - a process also known as "gerrymandering," which critics say is tantamount to election-rigging.

But what makes this round of redistricting different from previous ones – besides Republican control of both the executive and legislative branches of state government – is a powerful new tool available to the public: transparency.

The District Builder program, coming soon from developers at the Public Mapping Project, a national, non-profit coalition, will offer unprecedented transparency and access to the same maps and data available to legislators by way of a free, open-source software application.

Dr. Michael McDonald, an Associate Professor of Government and Politics at George Mason University and a Non-Resident Senior Fellow at the Brookings Institution, said that these types of tools had only been available to a chosen few legislators in the past. A self-described "recovering gerrymanderer," McDonald assisted in the creation of the open-source software.

"Political parties know what's in their best interest," McDonald said. As such, they've traditionally been able to use such tools to secure those interests – behind closed doors. New software like the District Builder, if taken advantage of, could alter that shadowy landscape. "I want to do my penance," he said.

McDonald unveiled the initiative at the statehouse on Dec. 17, as part of the "Drawing the Line on Gerrymandering" seminar, sponsored by Common

Cause/Indiana, a local, non-partisan watchdog group, along with AARP Indiana and the League of Women Voters of Indiana.

He said such programs were normally prohibitively expensive. But thanks to a grant from the Alfred P. Sloan Foundation and the American Enterprise Institute, developers were able to design it so that it would be free and accessible to anyone with an internet connection.

"You're seeing software running through a web browser," he said. "That way there's no PC vs. Mac issues."

Julia Vaughn, Policy Director for Common Cause/Indiana, said users who registered would have the ability to use the program to draw their own preferred districts and share their work with others.

"It gives voters an opportunity to birdog this process," she said. "Never before have citizens had access to this kind of information in their homes. What we want to do is encourage a public discussion about how our districts work."

Despite the fact that the pendulum has swung firmly in favor of the GOP this time around, the effort to inform the public and reform the process has some bi-partisan support.

"It's all about keeping control," said Bill Ruppel, a former Republican state congressman who represented Kosciusko and Wabash counties in House District 22 from 1992 until he was defeated in the May primary. "There's

going to be some gerrymandering, but they shouldn't have weird districts drawn like a dragon's head."

Ruppel co-chairs the Common Cause/Indiana committee on the issue with Dave Crooks, a former Democratic state congressman who represented portions of Daviess, Dubois, Martin and Pike Counties for the 63rd District from 1996 to until his retirement in 2008.

"As a former lawmaker, this is a very political opportunity for the party in power," said Crooks. "The party in power is always going to give themselves a home-field advantage."

Packing and cracking

The impulse to short-circuit the system in one's favor is as old as representative government itself. It spans both political era and party. The term "gerrymandering" is nearly 200 years old, coined in 1812 to describe a salamander-like district created by Massachusetts governor Elbridge Gerry [see illustration].

With generations of practice, public servants have invented several notably creative techniques in the fine art of disenfranchising voters. One technique, called "packing," involves isolating like-minded voters and minority groups, to reduce their influences on neighboring districts. Another, known as "cracking," consists of spreading votes across as many districts as possible in order to dilute their impacts on the result.

Virginia Martinez, a legislative staff attorney for the Mexican American Legal Defense and Educational Fund, explained the process and its repercussions.

"Politicians are choosing their voters," she said. "This determines whether communities can elect leaders of their choice."

Vaughn agreed. She pointed to states like Washington, which relies upon bipartisan-appointed, independent commission to draw its districts before the state legislature approves it.

"The way it's done in Indiana, it's all about politics; it's not about what's best for the citizens of the state," she said. "The way you draw the lines is important because, with these sprawling districts, it's difficult for citizens to know who their legislators are. You don't have a very engaged constituency."

But Crooks added that establishing a permanent majority was just one reason political parties are compelled to gerrymander.

"It's all about saving the caucus money," he said. "These elections are so expensive. So many times when there's an election in the fall, there's so many uncontested races. It's to the parties' advantage that 80 to 85 percent aren't competitive."

Slaying the dragon

Speaker of the House Brian Bosma (R-Indianapolis) has promised since November that relevant committee meetings in the house next year would

be televised for the sake of transparency, and that legislators would hold public redistricting hearings around the state once the data is available.

Still, he told NUVO he was "thrilled" that Republicans would have the opportunity to draw districts for the first time in 30 years.

"The maps drawn 10 years ago were clearly drawn for partisan reasons alone," Bosma said. "Republicans have won up to 60 percent of the vote and not had a majority in the legislature. The goal is to draw fair districts."

As Vaughn noted, it's a valid complaint. Still, if precedent were any indication, whoever controls the committee meetings would likely hold sway over the outcome of redistricting efforts, Vaughn said.

"The last time Republicans controlled both houses was 1981," she said.

"Democrats the past two times have been able to draw the lines to favor them. When you look at election results in Indiana, Republicans get more votes statewide, but Democrats have mostly held the House until the dramatic turnaround this year."

Despite excitement over tools like the District Builder program, the process of redistricting has hardly begun. State-level efforts cannot really begin until the census data collected earlier this year is returned to the states. Indiana isn't expected to receive its data until at least February.

Most states are on schedule to finish by 2012. At the latest, they must be completed by the filing deadline for the next state primary elections, sometime in early 2012.

Outgoing House Speaker Patrick Bauer (D-South Bend) said he was excited by transparency efforts like the District Builder program, but noted that, in the end, Bosma and his Republican colleagues had the final say.

"They'll push to keep control," he said. "I know that he pledged to be equal and fair, but in his acceptance speech he said he reserved the right of the majority.

"It's all about what the leadership wants to do," Bauer added. "We'll see how it goes."